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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'07 MJ 8905

UNITED STATES OF AMERICA, Plaintiff, vs. Tomas SANTILLANES-Lopez Defendant.	Magistrate Case No.: COMPLAINT FOR VIOLATION OF 21 U.S.C. § 952 and 960 Importation of a Controlled Substance (Felony)

The undersigned complainant being duly sworn states:

That on or about November 4, 2007, within the Southern District of California, defendant Tomas SANTILLANES-Lopez did knowingly and intentionally import approximately 19.00 kilograms (41.80 pounds) of cocaine, a Schedule II Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.

Special Agent
U.S. Immigration and
Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF NOVEMBER 2007.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA

v.

Tomas SANTILLANES-Lopez

STATEMENT OF FACTS

This statement of facts is based on the reports, documents, and notes furnished to U.S. Immigration and Customs Enforcement Special Agent Jeffrey Gilgallon.

On November 4, 2007, at approximately 0704 hours, Tomas SANTILLANES-Lopez attempted to enter the United States from the Republic of Mexico through the West Calexico, California Port of Entry. SANTILLANES was the driver and registered owner of a 1999 Nissan Sentra. Andrea Hernandez-Mendoza and her minor son accompanied SANTILLANES.

U.S. Customs and Border Protection Officer (CBPO) R. Torres received a negative oral Customs declaration from SANTILLANES. CBPO Torres referred SANTILLANES to the vehicle secondary inspection area.

In vehicle secondary, SANTILLANES told CBPO G. Valenzuela he was only bringing an ice chest from Mexico. A Human/Narcotic Detector Dog (HNDD) alerted to the rear seat of the vehicle. Officers subsequently discovered a total of seventeen (17) packages concealed within the gas tank of the vehicle. The packages field-tested positive for the presence of cocaine. The total weight of the packages was approximately 19.00 kilograms (41.80 pounds).

SANTILLANES was placed under arrest and advised of his Miranda Rights. SANTILLANES stated he understood his rights and agreed to answer questions. SANTILLANES stated he was paid $500.00 in advance for expenses while smuggling the narcotics into the United States. SANTILLANES said he and his family were threatened by two individuals in Mexico to smuggle narcotics. SANTILLANES said he was told his family would not be harmed if he smuggled narcotics six times for these individuals. SANTILLANES stated this was his third attempt smuggling narcotics in this vehicle. SANTILLANES exonerated Hernandez. Hernandez said she did not know about the narcotics in the vehicle.

Hernandez and her son were released. SANTILLANES was booked into the Imperial County Jail pending his initial appearance before a U.S. Magistrate Judge.